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REMARKS

This response is intended as a full and complete response to the final Office Action mailed June 14, 2007. Claims 39-56 are pending.

In view of the following discussion, Applicants respectfully submit that none of the claims now pending in the application are obvious over the cited references under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all these claims are now in allowable form.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response.

Claims 39-44, 47-53 and 56 Patentable over Ellis/Zdepski under §103

Claims 39-44, 47-53 and 56 were rejected under 35 U.S.C. §103(a) as being unpatentable over Publication No. US 2004/0117831 for Ellis et al. ("Ellis") in view of U.S. Patent No. 6,606,746 to Zdepski et al. ("Zdepski"). The rejection is traversed.

According to MPEP §2143, to establish a prima facie case of obviousness under §103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The combination of Ellis and Zdepski fails to teach or suggest all the elements in claims 39-44, 47-53 and 56. Specifically, Ellis and Zdepski fail to teach or suggest combining the slice-based encoded music channel listing region, header region and music channel description region in an order to be decoded before transmission to the STT for display, wherein the music interface for display on the STT includes the music

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channel listing region, the header region, and the music channel description region recombined in the order each region arrives. For example, the Applicants' specification teaches that a slice combiner at the LNE combines received video slices in the order in which the decoder at receiver side can easily decode without further slice re-organization. (See e.g., Applicants' specification, p. 13, ll. 10-12). Consequently, in an exemplary embodiment of recombination, a decoder at the receiver receives the payloads of information in the exact order in which they arrive and the video decoder decodes the recombined stream with no additional recombination process. (See *Id.* at p. 22, ll. 16-19). The video and images of the display regions of the music interface maybe encoded similarly. (See *Id.* at p. 47, ll. 14-15).

Ellis fails to teach, show or suggest combining the slice-based encoded music channel listing region, header region and music channel description region in an order to be decoded before transmission to the STT for display, wherein the music interface for display on the STT includes the music channel listing region, the header region, and the music channel description region recombined in the order each region arrives.

Moreover, Zdepski fails to bridge the substantial gap left by Zdepski. Notably, Zdepski does not teach or suggest that the separately encoded regions are combined in an order to be decoded before transmission to the STT for display. Zdepski specifically teaches that the order the slices are provided to the decoder are controlled by the CPU 314 located at the interactive decoder. (See Zdepski, col. 8, ll. 33-37). Notably, Zdespski teaches that the order of decoding is controlled at the interactive decoder and depends on where the insert picture is to be located on the background. (See *Id.* at col. 13, ll. 1-22). Zdepski specifically teaches:

"Oblvously, if the insert picture appears in the upper left portion of the background picture, then the interspersed slices from the compressed background picture and the compressed Insert picture are provided first for decoding, followed by the remaining slices from the compressed background picture. Similarly, if the insert picture appears in the lower right portion of the background picture, then slices from the compressed background picture are provided first for decoding, followed by the interspersed slices from the compressed background picture and the compressed insert picture." (*Id.*).

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Notably, depending on where the insert picture is located the order of when the compressed insert picture is provided for decoding may change.

Therefore, unlike the Applicants' invention that teaches the separately encoded regions are combined in an order to be decoded before being transmitted and recombined in an order each region arrives at the receiver, Zdepski teaches that the order the background and insert pictures are decoded is determined at the interactive decoder (i.e. receiver) and controlled by the CPU in the interactive decoder depending on the location of the insert pictures. Therefore, Zdepski teaches away from the Applicants' invention because Zdepski requires additional processing at the receiver that the Applicants' invention avoids.

Consequently, independent claims 39 and 48 are patentable over the proposed combination of Ellis and Zdepski under §103 and Applicants respectfully request reconsideration and allowance. Dependent claims 40-44, 47, 49-53 and 56 inherit the patentable subject matter of independent claims 39 and 48 and, as such, for at least the same reasons discussed above, these dependent claims also are patentable over the proposed combination of Ellis and Zdepski under §103. Therefore, the rejection should be withdrawn.

Claims 45-46 and 54-55 Patentable over Ellis/Zdepski/Boucher under §103

Claims 45-46 and 54-55 depend directly or indirectly from independent claims 39 and 48 and recite additional limitations thereof. Moreover, for at least the reasons discussed above, the Ellis and Zdepski references fail to teach or suggest Applicants' invention as recited in claims 39 and 48. Accordingly, any attempted combination of the Ellis and Zdepski references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 45-46 and 54-55 are patentable under 35 U.S.C. §103 over Ellis and Zdepski in further view of Boucher. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

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CONCLUSION

Thus, Applicants submit that all the claims pending in the application are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jimmy Kim at (732) 530-9404 so appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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